

MEMORANDUM

TO: CITY COUNCIL

FROM: TERESA MCCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: ROBIN DICKERSON, CITY ENGINEER

SUBJECT: CONSIDERATION TO ADOPT RESOLUTIONS ACCEPTING EASEMENTS AND PUBLIC IMPROVEMENTS; AND THE SUMMARY VACATION OF A PORTION OF A PUBLIC SEWER, WATER AND ACCESS EASEMENT FOR TRACT 3048

DATE: NOVEMBER 27, 2018

SUMMARY OF ACTION:

Accepting easements and public improvements for Tract 3048 allows the City to release the bonds and start the one-year warranty period. Approving the Summary Vacation of a portion of the public sewer, water and access would bring the City in compliance with California Streets and Highway Code Section 8330.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

As previously approved, the maintenance of the new public improvements will add to the overall costs of the City infrastructure maintenance program. There is no financial impact in vacating the Easement.

RECOMMENDATION:

It is recommended the City Council of the City of Arroyo Grande: 1) Adopt a Resolution accepting easements and public improvements for Tract 3048; and 2) Adopt a Resolution vacating a portion of a public sewer, water and access easement in Tract 3048 as an excess right-of-way and utility easement (the "Easement").

BACKGROUND:

Tract 3048 is a 47.54-acre 24 lot residential subdivision located at the terminus of Castillo Del Mar behind the Arroyo Grande High School. The area is a remainder parcel of the previously approved and constructed Tract 2207. Tract 3048 consists of twenty-two (22) residential lots, one (1) open space lot and one (1) drainage basin lot. The San Luis Obispo County Planning Commission approved Vesting Tentative Tract Map 3048 on December 12, 2013. LAFCO approved an amendment to the City's Sphere of Influence to include the subject property on November 21, 2013 and later filed a Certificate of Completion for the annexation into the City of Arroyo Grande on March 27, 2015. The City Council approved General Plan Amendment on March 25, 2014. The Final Tract Map 3048 was recorded on December 17, 2015.

CITY COUNCIL

CONSIDERATION TO ADOPT RESOLUTIONS ACCEPTING EASEMENTS AND PUBLIC IMPROVEMENTS; AND THE SUMMARY VACATION OF A PORTION OF A PUBLIC SEWER, WATER AND ACCESS EASEMENT FOR TRACT 3048

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ANALYSIS OF ISSUES:

During project closeout, it was determined that additional Public Access Easements were needed for the sidewalks and portions of ADA access ramps that are located outside existing right-of-way. Public Assess Easements for the sidewalk areas outside the current right-of-way have been prepared and recorded; attached is a Resolution accepting these easements.

The improvement plans were approved in May 2015 and revised in March 2016. The improvements were completed by the developer on July 12, 2018. The City Engineer inspected the improvements and found them to be in substantial conformance to the approved plans. "As-built" improvement plans were submitted to the City on July 16, 2018.

It has also been determined that a ten-foot (10') portion of a sixty foot (60') wide public sewer, water and access easement located in Lots 14-17 is not needed. The easement was offered for dedication by the recordation of the final map for Tract 3048 and accepted by the City Council in 2015. California Streets and Highways Code Section 8330 et seq. authorizes the City to summarily vacate an excess access and public utility easement if it is not required. The ten-foot (10') portion of the easement has not been used and is not required. The remaining fifty foot (50') public sewer, water and access easement will be adequate for the City's utility and access needs.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Approve staff's recommendation; or
2. Do not approve staff's recommendation; or
3. Modify as appropriate and approve staff's recommendation; or
4. Provide direction to staff.

ADVANTAGES:

The acceptance of public improvements is required to release bonds. By vacating the Easement, the owner of the overlying properties may use this area as they see fit.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

City Council has reviewed this project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines and the City of Arroyo Grande Rules and Procedures for implementation of CEQA and adopted a Mitigated Negative Declaration on March 25, 2014. Summary vacation of the Easement is categorically exempt from the requirements of the California Environmental Quality Action pursuant to Title 11 California Code of Regulations Section 15305.

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CONSIDERATION TO ADOPT RESOLUTIONS ACCEPTING EASEMENTS AND
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PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. At the time of report publication, no comments have been received.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ACCEPTING EASEMENTS AND PUBLIC IMPROVEMENTS FOR TRACT 3048 CONSTRUCTED BY HEIGHTS AT VISTA DEL MAR GROUP, LLC

WHEREAS, the San Luis Obispo County Planning Commission approved Vesting Tentative Tract Map 3048 on December 12, 2013; and

WHEREAS, the project was conditioned to complete certain public improvements pursuant to Resolution No. 2013-018 adopted San Luis Obispo County Planning Commission on December 12, 2013; and

WHEREAS, the project was annexed into the City of Arroyo Grande on March 27, 2015; and

WHEREAS, the Final Tract Map 3048 was recorded on December 15, 2015 with the San Luis Obispo County Recorder's Office; and

WHEREAS, the developer has constructed the improvements required by the conditions of approval for Tract 3048 on July 12, 2018; and

WHEREAS, staff has inspected the improvements on July 13, 2018 and find they are constructed in accordance with the approved plans for the project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Arroyo Grande hereby:

1. Accepts the Pedestrian Access Easements for Tract 3048 on portions of Lot 2 through 12, 15 through 17, 20 and 21.
2. Accepts public improvements for Tract 3048 including public curb, gutter, sidewalk, water lines, sewer lines and streets on Castillo Del Mar, Del Sur, Del Mar, the public sewer easement, and public sewer water and access easement.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:

the foregoing Resolution was passed and adopted this 27th day of November, 2018.

**RESOLUTION NO.
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JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

JAMES A. BERGMAN, CITY MANAGER

APPROVED AS TO FORM:

HEATHER WHITHAM, CITY ATTORNEY

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE SUMMARILY VACATING A PORTION OF A PUBLIC SEWER, WATER AND ACCESS EASEMENT IN TRACT 3048

WHEREAS, Chapter 4 of the Public Streets, Highways and Services Easements Vacation Law, commencing with Streets and Highways Code section 8330, provides for summary vacation of streets and public service easements; and

WHEREAS, the subject easement (the "Easement") is a ten-foot (10') portion of a sixty-foot (60') wide public sewer, water and access easement located in Lots 14-17 of Tract 3048, and is described and depicted in Exhibits "A-1" and "A-2," respectively, which are attached hereto and incorporated herein by this reference; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate a public service easement when the date of acquisition is less than five (5) years and more than one (1) year immediately preceding the proposed vacation and the easement was not used continuously since that date; and

WHEREAS, Section 8334 of the Streets and Highways Code authorizes the City Council to summarily vacate excess right-of-way of a street or highway not required for street or highway purposes; and

WHEREAS, the Easement is not needed for street purposes and there are no utilities or public improvements located within the portion to be vacated; and

WHEREAS, the vacation of excess right-of-way is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Title 11 California Code of Regulations Section 15305.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Arroyo Grande hereby:

1. Determines that the subject Easement is a ten-foot (10') portion of a sixty-foot (60') wide public sewer, water and access easement located in Lots 14-17 of Tract 3048.
2. Determines that the Easement is an excess right-of-way and is not required for street or highway purposes and there are no public facilities located within the Easement.
3. Determines that the public convenience and necessity do not require reservation of any portion of the Easement.

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4. Based on the findings set forth in this Resolution and the provisions of Sections 8333 and 8334 of the Streets and Highways Code, the City Council does hereby order that the Easement, as described and depicted in Exhibits A-1 and A-2, respectively, shall be and hereby is summarily vacated.

5. Authorizes and directs the City Clerk to cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of San Luis Obispo County.

On motion of Council Member _____, seconded by Council Member _____,
and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this 27th day of November, 2018.

JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

JAMES A. BERGMAN, CITY MANAGER

APPROVED AS TO FORM:

HEATHER WHITHAM, CITY ATTORNEY

EXHIBIT A-1



DAKOS LAND SURVEYS, INC.

Continuing 30 Years of Surveying Tradition on the Central Coast
7600 Morro Rd, Atascadero, CA 93422 • phone: (805)466-2445
info@dakoslandsurveys.com • www.dakoslandsurveys.com

LEGAL DESCRIPTION

Exhibit 'E' Sheet 1 of 2

Those portions of Lots 14 and 17 of Tract 3048, in the City of Arroyo Grande, County of San Luis Obispo, State of California according to the Map of Tract 3048 filed December 17, 2015 in Book 35 of Maps at Pages 65 through 71 in the Recorder's Office of said County and State described as follows:

Commencing at the south corner of said lot 14;
thence along the southwesterly line of said lot North 35°54'30" West a distance of 332.63 feet to the west corner of said lot;
thence along the northerly line of said lot North 75°52'59" East a distance of 53.84 feet to the True Point of Beginning;
thence continuing North 75°52'59" East a distance of 10.77;
thence leaving said line South 35°54'30" East a distance of 292.50 feet;
thence South 76°47'40" West a distance of 10.84 feet;
thence North 35°54'30" West a distance of 292.31 feet to the True Point of Beginning.

The attached Exhibit 'E' Sheet 2 of 2 is made part of this description.

Marc Dakos 07/12/17

Marc D. Dakos, LS 8769 (Date)
Professional Land Surveyor

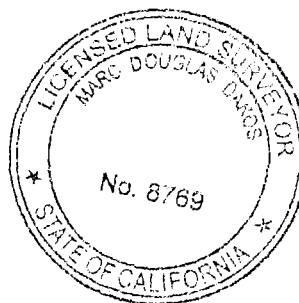
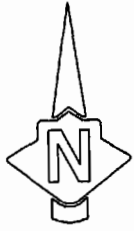


EXHIBIT A-2

Exhibit 'E' Sheet 2 of 2



SCALE: 1"=60'

